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INFO RUEHK/AMEMBASSY DHAKA PRIORITY 9671
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RUEHLO/AMEMBASSY LONDON PRIORITY 3380
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0313
RUEHNY/AMEMBASSY OSLO PRIORITY 3467
RUEHSM/AMEMBASSY STOCKHOLM PRIORITY 0485
RUEHKO/AMEMBASSY TOKYO PRIORITY 2557
RUEHCG/AMCONSUL CHENNAI PRIORITY 7145
RUEHBI/AMCONSUL MUMBAI PRIORITY 4950
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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 002021

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DEPARTMENT FOR SCA/INS

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SUBJECT: SRI LANKA KEEPS PEACE PROCESS ALIVE; REINSTATES PARTS OF PREVENTION OF TERRORISM ACT

REF: A) COLOMBO 2010 B) COLOMBO 2020 C)
BOUCHER/RAJAPAKSA TELCON 12/05/06 (NOTAL)

Classified By: Ambassador Robert O. Blake, Jr., for reasons 1.4(b,d).

¶1. (C) SUMMARY: The Sri Lankan Cabinet reached a consensus not to react to the assassination attempt on Defense Secretary Gotabaya Rajapaksa (ref a) by proscribing the

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LTTE. Instead, the President will issue an order reinstating provisions of the Prevention of Terrorism Act. However, Embassy has learned that the government will abide by a provision of the Ceasefire Agreement setting aside sweeping powers of the security forces under the PTA to conduct warrantless searches and detain suspects. President Rajapaksa told Ambassador that A/S Boucher's intervention by phone on the evening of December 5 was helpful in convincing him not to ban the LTTE. The President said he will give the Norwegian facilitators a green light to continue their peace efforts. Special Envoy Hanssen-Bauer will convey a message to the Tigers that the government is committed to peace negotiations. Opposition leader Wickremesinghe told Ambassador he remained confident that his and the President's party would work out a devolution proposal by mid-to-late January that would form the basis of an offer to the LTTE. End summary.

NO BAN... BUT PTA

¶2. (SBU) The Sri Lankan Government (GSL) decided on December 6 to reinstate certain provisions of the Prevention of Terrorism Act (PTA). As reported ref (b), this came in lieu of a widely expected move to ban the LTTE outright. The decision came after an early morning Cabinet meeting produced a ministerial consensus. The President will apparently issue an executive order putting selected parts of the PTA back in force. The decision requires no Parliamentary approval, since it merely reinstates provisions of an existing but suspended law. Parliamentary sources told us they expected that pro-LTTE Tamil National Alliance (TNA) deputies would nevertheless force a debate on the measure.

¶3. (SBU) The Prime Minister, briefing Sri Lankan media, said

that the new regulations to curb terrorist activities would come into effect immediately. He noted that the PTA, if fully implemented, would restore sweeping powers of the security forces to detain anyone without a warrant for six months, raid any home or other building and demolish structures considered a threat to national security. (Septel describes Human Rights Minister's assurances to Ambassador that human rights will be respected).

¶4. (C) However, Deputy Solicitor General Yasantha Kodagoda (protect), who drafted the new order, told us the GSL would continue to abide by clause 2.12 of the Ceasefire Agreement, which states, "The parties agree that search operations and arrests under the PTA shall not take place. Arrests shall be conducted under due process of law in accordance with the Criminal Procedure Code." A pro-LTTE website, apparently unaware that the government would refrain from re-imposing the specific PTA provisions suspended by the CFA, called the move "a major breach of the CFA" that "gives excessive powers of arrest and detention to the Sri Lankan armed forces."

RAJAPAKSA CALL

¶5. (C) President Mahinda Rajapaksa called Ambassador the evening of December 6 to brief on the cabinet's decision. Alluding to A/S Boucher's call to him the previous evening (ref c), Rajapaksa said the cabinet had decided not to ban the LTTE but to reintroduce the Prevention of Terrorism Act. "Boucher encouraged me," he said. The Ambassador welcomed the decision not to ban the LTTE but also stressed the importance of observing human rights as the PTA is implemented. The President agreed.

¶6. (C) Ambassador asked whether the GSL had given a green

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light to Norwegian Special Envoy Hanssen-Bauer to travel to Kilinochchi to talk to the LTTE. President said he had, and his message to the LTTE was that he was still committed to peace. The Ambassador urged the President to work as quickly as possible with the UNP and other parties to finalize a credible power sharing proposal that could form the basis for talks with the LTTE. The President said he was committed to this process, but noted plaintively that there are so many groups to work with. Ambassador said it would be particularly important not to allow the Sinhalese nationalist JVP a veto. The JVP should be given the opportunity to voice their views, but the SLFP/UNP proposal should not be watered down to reflect those views. President agreed, saying "I can handle the JVP," while adding that they are capable of mustering significant street protests on short notice and therefore have to be listened to.

UNP ALSO COMMITTED TO A CREDIBLE PROPOSAL

¶7. (C) Opposition leader Ranil Wickremesinghe told Ambassador that in his December 5 meeting with President Rajapaksa, he had argued against banning the LTTE and against reinstating the PTA. Wickremesinghe said that in his opinion, existing emergency legislation -- extended that day by Parliament for another month -- was adequate if applied more consequently. He had also told the President that any reimposition of the PTA should be temporary, in order to give the LTTE another incentive to return to the negotiating table. Wickremesinghe remains optimistic that his United National party and the governing Sri Lanka Freedom Party should be able to attract a broad consensus -- easily a constitutional two-thirds majority of Parliament -- for a devolution proposal that could form the basis for a peace offer to the LTTE. He continued to think that such a proposal would be ready by mid-to-late January 2007.

¶8. (C) COMMENT: Today's outcome for the peace process is as positive as we could have expected, given the political

pressures on the President. It represents a significant win by moderates in the President's SLFP, such as Foreign Minister Samaraweera (ref b) with support from the opposition UNP. Wickremesinghe's reservations notwithstanding, we do not expect significant opposition to the measure, other than from the pro-LTTE Tamil party. We understand that President Rajapaksa plans to address the nation this evening. Special Envoy Hanssen-Bauer will then be able convey the message to the LTTE in the next few days that the government wants to continue negotiations. It will then fall to the Norwegians to try to keep the Tigers engaged in the peace process.

BLAKE